



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
152 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0152



JOHN ELIAS BALDACCI
GOVERNOR

ANNE H. JORDAN
COMMISSIONER

JAY BRADSHAW
DIRECTOR

BOARD OF EMS MEETING
SEPTEMBER 5, 2007
9:00 AM
DECHAMPLAIN CONFERENCE ROOM

MINUTES

Members: Wayne Werts, Chair, Tim Beals, Chair-elect, Steve Leach, Bob Ashby, Alan Azzara, Peter DiPientranantonio, Jim McKenney, Oden Cassidy, Rebecca Chagrasulis, Penelope Kneeland, Roy Woods, Richard Doughty, Paul Knowlton, Bill Montejo, Joe Conley, Steve Diaz (ex officio)

Staff: Jay Bradshaw, Dawn Kinney, Alan Leo, Drexell White, Ben Woodard

Regional Coordinators: Steve Corbin, Joanne LeBrun, Rick Petrie, Donnie Carroll

Guests: Karen Packard, Doug Batey, Kate Faragher Houghton, Judy Deal

Assistant Attorney General: Laura Yustak Smith, Esq.

Hearing Officer: Wayne Reed

1. Introductions – Those present introduced themselves and were welcomed to the meeting.
2. Approval of the August 1, 2007, Board meeting minutes.

MOTION: To accept the minutes of the August 1, 2007, as corrected (Leach; second by Beals).
Unanimous

3. Public Comments & announcements – Wayne Werts suggested that future Board meetings be scheduled for 9:00 – 3:00 to allow adequate time for the Board to conduct its business and enable those members who travel long distances to get home at a reasonable hour. Agreed.
4. New Business

a. Investigations Committee –

MOTION: For the Investigation Committee members to approve the minutes of the July 19, 2007, meeting. (Montejo; second by Doughty). Unanimous

MOTION: For the Board of EMS to ratify the July 19, 2007, minutes of the Investigations Committee (Doughty; second by Cassidy) [no action was taken at this point]

MOTION: To enter Executive Session to discuss Case # 07-15 in accordance with 1 MRSA § 405.6(E)(1) and 32 MRSA § 92. (Doughty; second by Leach) Unanimous

Executive session ended at 9:36 AM.

Wayne reported that it was necessary to exit Executive Session to conduct the Adjudicatory Hearing. Following the Hearing, the Board will re-enter Executive Session to continue its discussion in the above referenced case.

5. Adjudicatory Hearing: David Swett, Case # 06-17

Hearing officer Wayne Reed conducted this portion of the Board meeting. Mr. Swett was not present in the room and Mr. Reed waited until 9:45 AM at which time he announced the hearing in both the corridor and meeting room; however, Mr. Swett was not present.

In attendance to participate in the hearing were: Kate Faragher-Houghton, Judy Deal, and Deputy Chris Chase (Franklin SO), Dawn Kinney, Jay Bradshaw, and Laura Yusak Smith, AAG, to present the case to the Board.

Mr. Reed explained the options to the Board in light of Mr. Swett's absence.

MOTION: To notify David Swett that he may request a Good Cause hearing within 15 days of the date notification is mailed, and that if he fails to respond within that time, the Board will issue a default judgment denying his license application. (Doughty; second by Montejo). Unanimous.

6. Ms. Faragher-Houghton and Ms. Deal explained to the Board that the Family Violence Project has developed a training program for regulatory Boards about policy development regarding domestic violence issues. If the Board is interested, they offered to conduct such a session at a future date. Members expressed interest in such a program and asked Jay to schedule this for a future meeting.

MOTION: To return to Executive Session to continue the discussion on Case # 07-15 (Beals; second by DiPientrantonio) Unanimous

Executive session started at 10:11 AM

MOTION: To exit Executive Session (Doughty; second by Leach). Unanimous

Executive session ended at 10:38 AM.

Wayne Werts reported that in executive session the Board discussed the specifics of this case with the subject.

MOTION: To direct Attorney Yustak Smith to draft a consent agreement in Case # 07-15 to include a \$960 fine and a 6 month suspension, retroactive to March 27, 2007 (Doughty; second by Cassidy) Failed (4-7).

MOTION: To direct Attorney Yustak Smith to draft a consent agreement in Case # 07-15 to include a \$480 fine and a 6 month suspension, retroactive to March 27, 2007 (Leach; second by Ashby) Failed (4-6).

MOTION: To direct Attorney Yustak Smith to draft a consent agreement in Case # 07-15 to include a \$100 fine and a 6 month suspension, retroactive to March 27, 2007 (Beals; second by McKenney) Passed (7-4).

Joe Conley left the meeting at this time (10:45 AM)

MOTION: To modify the recommendation of the Investigation Committee from its July 19, 2007, meeting in case # 07-15 to reflect the terms of the consent agreement as approved in the previous motion, and to ratify the actions of the July 19, 2007, meeting. (Doughty; second by Cassidy). Unanimous

MOTION: To approve Anthony Bock, MD, as the Regional Medical Director for Southern Maine EMS (Chagrasulis; second by Leach). Unanimous.

MOTION: To approve the interim appointments of Douglas Boyink, MD as Kennebec Valley EMS Regional Medical Director and Jonnathan Busko, MD, as the Northeast EMS Regional Medical Director. (Leach; second by Beals). Unanimous.

7. Committee Reports (continued)

- b. Education Committee – Rick Petrie reported that the Education Committee is continuing to work on the course approval (accreditation) document with a goal of getting it to the Operations Team in October.
- c. Operations Team – Rick Petrie reported on the Ops meeting the previous day where topics included
 - EMSC funding for regions is dependent upon federal approval for use of carryover funds
 - changes are appearing in EMS text books in response to the National Scope of Practice project; however, this should not be a problem for EMS instructors as there are often procedures in the text books that are not part of the state scope of practice
 - the regional offices have completed a Regional Emergency Preparedness Guide that has been forwarded to Maine CDC for review and comment
 - Critical Incident Stress Management training is being planned in Lewiston. Contact TCEMS for details and registration.
 - Dr. Nadine Levick presented a 4 workshops on ambulance safety (Lewiston and Bangor). The programs were well attended and received. Funding assistance for Dr. Levick came from Bureau of Highway Safety grant.
- d. EMD – Drexell reported that the Emergency Services Communications Bureau is working on the Request for Proposal for a single public safety dispatch program.
- e. Exam – Drexell reported that the Exam Committee has been working on updating the Intermediate written exam and should conclude that process by their October meeting. He is also working to establish a meeting with representatives of NMCC and AEMS on Computer Based Testing in Aroostook County (NMCC has terminated access to CBT out of scheduling concerns, which means First Responder and Basic EMT students currently have to travel to Bangor to take the examination.)
- f. MEMSRR – Ben reported that training efforts are continuing in many different parts of the state; 4 new services started using MEMSRR on September 1.

8. Other

- a. Warren decision – Jay reported that the Law Court has reversed an earlier decision by Superior Court and affirmed the Board's position regarding Warren Ambulance's obligation to respond to the Maine State Prison. The Board thanked Laura Yustak Smith for her work in making the presentation to the Law Court that helped them understand the basis for the Board's decision and the process that the Board went through in hearing Warren's initial appeal.
- b. Board terms – Jay noted that this is the last meeting for 3 long time Board members. Penelope Kneeland (Hospital Administration) is retiring from Penobscot Valley Hospital; Robert Ashby's (Public Member) term expires the end of September and he is not pursuing reappointment, and Alan Azzara's position (Attorney Rep) is being eliminated. MEMS and the Board thanked all of these members for their service and extended best wishes for the future. Other terms expiring are Carol Pillsbury (Not for Profit Services) and Richard Doughty (Non-transporting services). Carol and Rick are interested in reappointment.

9. Sterling Ambulance – joining the Board meeting at this point were Jason Wiley and Roger Yattaw (Sterling Ambulance) and Joseph Moore (Mid Coast EMS QI Coordinator).

The Board discussed Sterling's application to establish a primary service area and their manner of dispatch, staffing, and response to emergency calls. Mr. Wiley explained that they will only take emergency calls if they have a crew in the vicinity of the call, otherwise the call will be forwarded to the appropriate PSAP with the Sterling dispatcher staying on the line until the PSAP is online with the caller.

Steve Diaz left the meeting at this time (11:50).

The Board also reviewed the terms of the consent agreement with Sterling and in particular whether Sterling has met the requirements of the consent agreement regarding QI.

MOTION: To approve the application of Sterling Ambulance provided that Sterling continues to provide their QI in a timely manner and that Maine EMS shall monitor to assure that satisfactory QI reports are received. The results of this review shall be presented to the Board on a quarterly basis. The above conditions will be included in a Consent Agreement that will accompany the license (Chagrasulis; second by McKenney). Carried 8-0 with 5 abstentions (Montejo, Leach, Beals, Doughty, Azzara)

Joe Moore asked for clarification on whether the independent QI review that Sterling is conducting is to replace that which the Region performs. Consensus of the Board was that Sterling's independent QI review was supplemental to the Regional QI, not a substitute.

The meeting was adjourned at 12:56 AM.

The next meeting will be on Wednesday, October 3, at 9:00 AM.